

EXHIBIT A

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Clerk of the Superior Court
*** Electronically Filed ***
L. Sanchez, Deputy
7/31/2024 4:51:18 PM
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8 Reid J. Lampert (54657)
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16 *Attorneys for Plaintiffs*

17 **SUPERIOR COURT OF THE STATE OF ARIZONA**

18 **COUNTY OF MARICOPA**

19 RICHARD GARCIA and JERILYNN GARCIA,
20 husband and wife,

21 Plaintiffs,

22 vs.

23 FRONTIER AIRLINES, INC. a Colorado
24 corporation for profit,

25 Defendant.

No. CV2024-020408

**COMPLAINT AND JURY
DEMAND**

(Tort Non-Motor Vehicle)

26 Plaintiffs Richard Garcia and Jerilynn Garcia, by and through counsel undersigned, for
27 their Complaint allege as follows:

28 **PARTIES, JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over these claims in that the action of the
Defendant which led to this crash, occurred on a flight from San Francisco, California to Phoenix,
Arizona, County of Maricopa.

1 2. Venue is proper for this Court because the airplane's destination was within the
2 State of Arizona, County of Maricopa.

3 3. Additionally, the Plaintiffs, Richard Garcia and Jerilynn Garcia, resides in
4 Maricopa County.

5 4. During all time herein pertinent, Richard and Jerilynn were husband and wife.

6 5. Defendant Frontier Airlines, Inc. ("Frontier"), is a Colorado domestic corporation
7 for profit with a principle place of business located at 4545 Airport Way, Denver, Colorado 80239.

8 6. Defendant Frontier has a registered agent, THE PRENTICE-HALL
9 CORPORATION, located at 8825 North 23rd Avenue, Suite 100, Phoenix, Arizona 85021.

10 7. Defendant Frontier was, at all times mentioned herein, acting by and through
11 officers, employees, agents, representatives and contractors, within the course and scope of their
12 employment and authority. Accordingly, Frontier is bound by, and vicariously liable for, the
13 conduct of its officers, employees, agents, representatives and contractors. Such corporations
14 and/or entities also are directly liable for their own negligence, recklessness, and other tortious
15 conduct in the hiring, funding, and supervision of the officers, employees, agents, representatives
16 and contractors whose conduct gives rise to this action.

17 8. Frontier employees were acting within the course and scope of their employment,
18 and/or agency relationship, with Frontier so as to render them vicariously liable for their conduct
19 under general agency law, *respondeat superior*, or otherwise.

20 9. The amount at issue herein exceeds the jurisdictional threshold of this Court.

21 **GENERAL FACTUAL ALLEGATIONS**

22 10. This is an aviation personal injury case arising out of an incident aboard a Frontier
23 flight from San Francisco, California to Phoenix, Arizona. Plaintiffs were fare paying passengers
24 aboard Frontier Flight 2790.

25 11. During the flight regular food and beverage service was provided.

26 12. During the service of the food and beverage service, a Frontier flight attendant
27 failed to maintain control of the beverage cart, causing it to roll, rapidly, down the aisle.
28

1 13. Mr. Garcia was seated in an aisle seat and was struck by the beverage cart on his
2 left arm and elbow.

3 **FIRST CLAIM FOR RELIEF**

4 **(Negligence Against Frontier)**

5 14. Plaintiffs adopt and incorporate by reference all prior allegations in this Complaint
6 as if fully set forth herein.

7 15. Defendant Frontier, as a common carrier, owed Plaintiffs the highest standard of
8 care in performing all services provided during the flight.

9 16. The Defendant Frontier, by and through its employees, breached its duties by
10 failing to meet the standard of care by:

- 11 a. Failing to properly secure the beverage cart;
- 12 b. Failing to prevent the beverage cart from striking Plaintiff;
- 13 c. Failing to ensure Plaintiff was not injured during the flight; and
- 14 d. Failing to properly perform all duties required by a flight attendant, in a manner
15 compliant with the required standard of care.

16 17. Defendant Frontier's negligent conduct was the proximate cause of this incident
17 and the injuries and damages suffered by the Plaintiffs as set forth below.

18 **SECOND CLAIM FOR RELIEF**

19 **(Loss of Consortium for Plaintiff Jerilynn Garcia)**

20 18. Plaintiffs adopt and incorporate by reference all prior allegations in this Complaint
21 as if fully set forth herein.

22 19. Defendant Frontier, as a common carrier, owed Plaintiffs the highest standard of
23 care in performing all services provided during the flight.

24 20. The Defendant Frontier, by and through its employees, breached its duties by
25 failing to meet the standard of care by:

- 26 a. Failing to properly secure the beverage cart;
- 27 b. Failing to prevent the beverage cart from striking Plaintiff;
- 28 c. Failing to ensure Plaintiff was not injured during the flight; and

- d. Failing to properly perform all duties required by a flight attendant, in a manner compliant with the required standard of care.

21. Defendant Frontier's negligent conduct was the proximate cause of Plaintiff Jerilynn Garcia's loss of consortium, including but not limited to:

- a. physical intimacy;
- b. inability to do activities that she used to do with her husband;
- c. marital strains;
- d. loss of services;
- e. need to provide home nursing care;
- f. medical transport;
- g. home physical therapy;
- h. aid and comfort;
- i. enjoyment of life; and
- j. other losses to be presented at trial.

22. Plaintiff Jerilynn Garcia's loss of consortium damages are the proximate result of Defendant Frontier's negligence as alleged herein.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury in this action.

TIER DESIGNATION

Due to the complexity and the amount at issue herein, this case should be classified as a Tier 2 case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court enter a judgment against the Defendant for the damages described herein, in addition to such amount as is proven at trial, costs and expenses incurred in bringing this action interest from the date of the subject incident, and for such other relief as the Court deems just and equitable.

///

///

1 DATED this 31st day of July, 2024.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ J. Tyrrell Taber
4 J. Tyrrell Taber
5 2575 East Camelback Road, Suite 1100
6 Phoenix, Arizona 85016

7 and

8 KATZMAN LAMPERT & STOLL, PLLC
9 Reid J. Lampert
10 *Pro Hac Vice to be applied for*
11 9596 Metro Airport Avenue
12 Broomfield, Colorado 80021

13 ***Attorneys for Plaintiffs***

Clerk of the Superior Court
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[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 005204, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Richard Garcia, et al.
Plaintiff(s),
v.
Frontier Airlines, Inc.
Defendant(s).

Case No. CV2024-020408

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this July 31, 2024

By: J. Tyrrell Taber /s/
Plaintiff/Attorney for Plaintiff

Person Filing: J. Tyrrell Taber
Address (if not protected): 2575 E Camelback Rd, Ste 1100
City, State, Zip Code: Phoenix, AZ 85016
Telephone: (602)530-8015
Email Address: ty.taber@gknet.com
Representing ☐ Self or ☒ Attorney for:
Lawyer's Bar Number: 005204, Issuing State: AZ

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Filing ID 18257573

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Case Number: CV2024-020408

Richard Garcia, et al.

Name of Plaintiff

SUMMONS

AND

Frontier Airlines, Inc.

Name of Defendant

WARNING: This is an official document from the court that affects your rights. Read this carefully.
If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: Frontier Airlines, Inc.

Name of Defendant

1. **A lawsuit has been filed against you.** A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to Clerk of the Superior Court, or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons. Note: If you do not file electronically you will not have electronic access to the document in this case.

3. If this “Summons” and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your “Response” or “Answer” must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this “Summons” and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court.
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

SIGNED AND SEALED this Date: *July 31, 2024*

JEFF FINE
Clerk of Superior Court

By: *L. SANCHEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

ORIGINAL

CLERK OF THE
SUPERIOR COURT
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**Superior Court For The State Of Arizona
In And For The County Of Maricopa, State Of Arizona**FILED
BY E. GUERRERO, DE**RICHARD GARCIA et al**Plaintiff(s), Represented By J. Tyrrell Taber**vs.****FRONTIER AIRLINES INC**Defendant(s), In Propria Persona**CV2024-020408****Declaration Of Service**

I, Keenan DeWitt, being qualified under ARCP, 4(d) and 4(e), to serve legal process within the State of Arizona and having been so appointed by Maricopa County Superior Court, did receive on August 12, 2024 from J. Tyrrell Taber, Attorney For The Plaintiff, the following Court issued documents:

**SUMMONS, COMPLAINT AND JURY DEMAND, CERTIFICATE OF COMPULSORY
ARBITRATION**

On Wednesday, August 14, 2024 at 12:52 PM, I personally served true copies of these documents as follows:

**FRONTIER AIRLINES INC BY LEAVING COPIES WITH MIKE VERNON THE RECIEVING CLERK AT
PRENTICE-HALL THIER STAT AGENT**

Documents Were Served At The
Place Of Business Located at:

**8825 N 23RD AVE STE 100
PHOENIX AZ 85021**

8 - 4466 - 1586588

SECURED

Service Fees

Fee For 1 serve(s): **\$26.00**
 Fee For 7 miles: **\$26.00**
 Advanced Fees: **\$0.00**
 Other Fees: **\$0.00**
 Miscellaneous Fees: **\$0.00**
 Certified / Mail Fees: **\$0.00**
 Document Prep Fees: **\$8.00**

Total of Fees: \$60.00

I declare under penalty of perjury that
the foregoing is true and correct and
was executed on this date.

August 15, 2024

Keenan DeWitt, Declarant
An Officer Of Maricopa County Superior Court

Acquisition Process Serving

EXHIBIT B

1 Ryan J. McCarthy, Bar #020571
Brian J. Ripple, Bar #033997
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6 Attorneys for Defendant Frontier Airlines, Inc.

7
8 **SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **COUNTY OF MARICOPA**

10 RICHARD GARCIA and JERILYNN
GARCIA, husband and wife,

11 Plaintiffs,

12 v.

13 FRONTIER AIRLINES, INC., a Colorado
14 corporation for profit,

15 Defendant.

NO. CV2024-020408

**NOTICE OF FILING NOTICE OF
REMOVAL**

(Assigned to the Honorable Danielle Viola)

16
17 Defendant Frontier Airlines, Inc., by and through undersigned counsel, pursuant to
18 28 U.S.C. § 1441, *et seq.*, notifies this Court that it filed a Notice of Removal of this action to the
19 United States District Court for the District of Arizona.

20 A copy of the Notice of Removal (exclusive of exhibits) is attached as Exhibit "A."
21
22
23

1 DATED this 11th day of September, 2024.

2 JONES, SKELTON & HOCHULI P.L.C.

3 By /s/ Ryan J. McCarthy

4 Ryan J. McCarthy

5 Brian J. Ripple

6 40 N. Central Avenue, Suite 2700

7 Phoenix, Arizona 85004

8 Attorneys for Defendant Frontier Airlines, Inc.

9 ORIGINAL of the foregoing electronically filed
10 this 11th day of September, 2024.

11 COPY of the foregoing mailed/e-mailed
12 this 11th day of September, 2024, to:

13 J. Tyrell Taber
14 Gallagher & Kennedy, P.A.
15 1575 East Camelback Road, Suite 1100
16 Phoenix, Arizona 85016-9225
17 602-530-8015
18 Fax: 602-530-8500

19 Reid J. Lampert
20 Katzman Lampert & Stoll
21 9596 Metro Airport Avenue
22 Broomfield, Colorado 80021
23 Pro Hac Vice pending

24 /s/ Mary Creed